

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**FILED**

**FEB 20 2002**

**CLERK, U.S. BANKRUPTCY COURT  
SOUTHERN DISTRICT, ILLINOIS**

IN RE:

Filing, Signing and Verification  
of Pleadings and Other Documents in the  
Electronic Case Filing System

Standing Order 02-1

**ORDER ADOPTING ELECTRONIC CASE FILING PROCEDURES**

Federal Rule of Civil Procedure (FRCP) 83, Federal Rules of Bankruptcy Procedure (FRBP) 5005(a)(2), 9011, and 9029, and Southern District of Illinois Local Bankruptcy Rule (S.D. Ill. LBR) 1001-1, authorize this Court to establish practices and procedures for filing, signing, maintaining, and verification of pleadings and other documents by electronic means; and

The Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Other Documents in the Electronic Case Filing System (hereafter Administrative Procedures) have been reviewed by the Court; and

The Administrative Procedures are consistent with and further the responsibility of the Clerk of the Court for the control of the Court's docket under FRBP 5003 and 5005, including safeguarding the integrity of the Court's docket; and

The Administrative Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. §§ 1913, 1914, 1926, and 1930; and

The Administrative Procedures provide a means for the signature on pleadings and other documents through the mechanism of a password in compliance with S.D. Ill. LBR 9011 and a

secure mechanism for the creation and distribution of passwords; and

The Administrative Procedures provide adequate procedures for filing pleadings and other documents and access to review and retrieve records and dockets of this Court by parties who are not able to access the Electronic Case Filing System from a remote location by modem; and

The Administrative Procedures do not impair the ability of the Clerk of the Court to perform statistical reporting responsibilities both to the Court and to the Administrative Office of the United States Courts; and

The Administrative Procedures are consistent with notice requirements of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules:

NOW, THEREFORE, IT IS ORDERED that:

1. The Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and Other Documents in the Electronic Case Filing System, attached as Exhibit 1, including the procedure for registration of attorneys/participants and for distribution of passwords to permit electronic filing and notice of pleadings and other documents, are approved by the Court.
2. The electronic filing of a pleading or other document by an attorney/participant who is registered in the Electronic Case Filing System shall constitute the signature of that attorney/participant under FRBP 9011 and S.D. Ill. LBR 9011.
3. No attorney/participant shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee.
4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney/participant unless such person is an authorized employee.
5. The electronic filing of a pleading or other document in accordance with the

Administrative Procedures shall constitute entry of that pleading or other document on the docket kept by the Clerk of the Court under FRBP 5003.

6. The Office of the Clerk will enter all orders, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk under FRBP 5003 and for purposes of FRBP 9021.
7. Notice of Electronic Filing:
  - a. Whenever a pleading or other document is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing System at the time of docketing.
  - b. The filing party shall serve the pleading or other document upon all persons entitled to notice or service in accordance with the applicable rules, or if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph 7(c) below.
  - c. If the recipient of notice or service is a registered participant in the Electronic Case Filing System, service of the Notice of Electronic Case Filing shall be the equivalent of service of the pleading or other document by first class mail, postage prepaid, except as set forth in subparagraphs II(C)(4) and II(C)(5) of the Administrative Procedures.
8. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to FRBP 9036. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree to receive notice and service by electronic means.
9. The original of this order shall be filed with the Clerk of the Court.

10. The provisions of this order shall apply to all cases and proceedings presently pending, and subsequently filed in the United States Bankruptcy Court for the Southern District of Illinois. Amendments to this order may be entered from time to time in keeping with the needs of the Court. To the extent that any provisions contained in this Order and/or in the Administrative Procedures may conflict with any existing local rules of this Court, the provisions in this Order and in the Administrative Procedures shall control.

11. This Order shall take effect on March 1, 2002.

ENTERED: February 20, 2002



KENNETH J. MEYERS  
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Administrative Procedures for Filing, Signing, Maintaining  
and Verifying Pleadings and Other Documents in the  
Electronic Case Filing (ECF) System

Exhibit 1 to Standing Order 02-1

March 2002

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## ADMINISTRATIVE PROCEDURES

### I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

#### A. Designation of Cases

All cases shall be assigned to the Electronic Case Filing System (hereafter System).

#### B. Passwords

Each attorney admitted to practice in this Court shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of documents in accordance with the System. Registration for a password is governed by paragraph I(C). Any Trustee who is also an attorney admitted to practice before this Court shall be entitled to one system password as an attorney and one system password as a Trustee.

#### C. Registration

1. A registration form, in the form approved by the Clerk of the Court (see Appendix A-1), shall be submitted for each attorney/participant. The form may be duplicated for use.
2. All registration forms shall be returned to the United States Bankruptcy Court, Melvin Price United States Courthouse, 750 Missouri Avenue, East St. Louis, Illinois 62201; ATTN: System Manager.
3. After completion of training with a Clerk's Office employee, each registering attorney/participant will receive a password for the training system. Upon completion of the training materials, the registering attorney/participant may contact the Clerk's Office for activation of their live system password.
4. For good cause shown, including, but not limited to, the fact that the security of an existing password may have been compromised, an attorney/participant may obtain a change of the assigned password. To obtain a new password, contact the ECF Help Desk at (618) 482-9308.

### II ELECTRONIC FILING AND SERVICE OF DOCUMENTS

#### A. Filing

1. Except as expressly provided in subparagraphs II(A)(3), II(B) and II(D)(3), and in paragraph III below, **all documents shall be filed electronically**. Debtors without legal representation are not required to file any documents electronically, but may file them conventionally as set forth in subparagraphs II(D)(3) and III(C) below.

2. **Every document must be filed separately except:**
  - a. The Summary of Exhibits, which shall be treated as set forth in subparagraph II(A)(3) below.
  - b. The bankruptcy petition, schedules, summary of schedules, declaration concerning schedules, statement of financial affairs, statement of intention and disclosure of attorney compensation may be filed together electronically as a single document.
3. Exhibits
  - a. **Exhibits** (*e.g.*, leases, promissory notes, mortgages, vehicle titles) shall not be filed electronically or conventionally. Instead, a **Summary of Exhibits** shall be prepared that enumerates and briefly describes each exhibit germane to the matter under consideration. The Summary of Exhibits shall conform with the Court's form Summary of Exhibits (Appendix A-2). **The Summary of Exhibits shall be filed electronically as part of the document that references the exhibits** (*e.g.*, a proof of claim and a Summary of Exhibits shall be filed together electronically as a single document).
  - b. Copies of the **exhibits** shall be served on interested parties and a certificate of service reflecting service of the exhibits shall appear on the Summary of Exhibits (see Appendix A-2).
  - c. The **exhibits** must be made available to the Court upon request and must be brought to all Court hearings to which they pertain.
4. Attorneys/participants seeking to schedule emergency motions or other expedited matters shall contact the Judge's courtroom deputy by telephone for a hearing date, after such expedited matter has been filed on the System.

B. System Failure

In instances where a document must be filed immediately, but electronic filing cannot be accessed because of system failure within the attorney/participant's office or within the Court, the attorney/participant shall contact the appropriate office and speak with a deputy clerk to confirm that the System is not accessible, and state why an immediate filing is necessary. The attorney/participant will make suitable arrangements for the filing to take place.



C. Service

1. Whenever a document is filed electronically in accordance with the electronic filing procedures, the System will automatically generate a "Notice of Electronic Filing" at the time of docketing.
2. The filing party shall serve the document upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph II(C)(3) below.
3. If the recipient of notice or service is a registered attorney/participant in the System, service of the Notice of Electronic Filing shall be the equivalent of service of the document by first class mail, postage prepaid.
4. Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.
5. In chapter 7 and chapter 13 cases, within five (5) days after the filing of the bankruptcy petition, debtor (if proceeding pro se) or counsel for debtor shall serve a paper copy of the petition, schedules, and statement of financial affairs on the chapter 7 and/or chapter 13 trustee.

D. Signatures

1. Registered Attorneys/Participants and Parties with Legal Representation

Petitions, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under FRBP 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and in accordance with the Administrative Procedures. The original, executed petition, schedules, and statement of financial affairs must be maintained by counsel for the debtor until five (5) years after the closing of the case, and upon request of the Court, the attorney/participant must provide original documents for review. The electronically filed document shall indicate a signature with the party's name typed in full, *e.g.*, /s/ Jane Doe.

2. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
  - a. The attorney/participant shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.

- b. The attorney/participant shall then file the document electronically, indicating the signatories, e.g. “/s/ Jane Doe,” “/s/ John Doe,” etc.
- c. The attorney/participant who files the document shall retain the hard copy of the document containing the original signatures in accordance with subparagraph II(D)(1) above.

3. Pro Se Debtors

Petitions, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under FRBP 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. These documents will be scanned by the Clerk’s Office, and shall be maintained in the Clerk’s Office after scanning.

E. Fees Payable to the Clerk

- 1. For filings that require a fee, **registered attorneys/participants** shall be required to provide authorization for credit card payment with their registration in order to receive a login and password.
- 2. For filings that require a fee, **non-registered filers** must follow current local rules for methods of payment.

F. Docketing of Pleadings and Other Documents

The person electronically filing a document must designate a title for the document by selecting the appropriate event from the categories provided in the System.

### III CONVENTIONAL FILING OF DOCUMENTS

A. Sealed Documents

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and delivered to the Clerk of the Court.

B. Transcripts

Transcripts shall be filed conventionally.

C. Pro Se Debtors

A debtor without legal representation shall file petitions, schedules, motions, pleadings and any other documents conventionally in accordance with the Local Rules of the Bankruptcy Court for the Southern District of Illinois and with subparagraphs II(A)(1) and II(D)(3) of the Administrative Procedures.

IV **ORDERS**

A. Submission of Orders by E-mail

1. When submitting a proposed order to the Court, attorneys/participants shall attach the proposed order to an e-mail message sent to one of the following addresses:
  - a. E-mail address for East St. Louis: ESTLorders@ilsb.uscourts.gov
  - b. E-mail address for Benton: BENTONorders@ilsb.uscourts.gov
2. **A PROPOSED ORDER MUST BE SUBMITTED AS AN ATTACHMENT TO AN E-MAIL MESSAGE. DO NOT SUBMIT THE PROPOSED ORDER WITHIN THE BODY OF THE E-MAIL MESSAGE.**
3. Only one proposed order may be submitted with each e-mail message (*i.e.*, do not send an e-mail message that has more than one proposed order attached to it).
4. The e-mail message to which the proposed order is attached must contain the following information in the “subject” line: (1) case name; (2) bankruptcy case number (include the adversary case number as well, if applicable); and (3) name of the order (the name of the order should describe the subject of the order, *e.g.*, Order Granting Continuance; Order Granting Motion to Modify Plan).
5. The e-mail message to which the proposed order is attached must contain the following information in the body of the message: (1) the name of the attorney/participant submitting the proposed order; (2) the attorney/participant’s telephone number; (3) the part(ies) he or she represents; and (4) the names of all parties and/or attorney/participants who have received a copy of the proposed order.
6. The proposed order must be in WordPerfect or Word format and created (*i.e.*, named or saved) using the following naming convention:

casenumber.ext

casenumber= the case number without the hyphen

ext= the file extension (*i.e.*, wpd or doc)

For example, 0255531.wpd for a bankruptcy case, or 024993.wpd for an adversary case.

B. Submission of Orders on Diskette

1. Those without access to e-mail may submit a proposed order on a diskette by mailing or delivering the diskette to the Clerk's office. The proposed order must be in WordPerfect or Word format and comply with the naming conventions set forth in subparagraph IV(A)(6) above.
2. A permanent label shall be affixed to the diskette stating: (1) case name; (2) bankruptcy case number (include the adversary number as well, if applicable); and (3) name of the order (the name of the order should describe the subject of the order, *e.g.*, Order Granting Continuance; Order Granting Motion to Modify Plan).
3. The following information shall be provided at the beginning of the WordPerfect or Word file on the diskette: (1) the name of the attorney/participant submitting the proposed order; (2) the attorney/participant's telephone number; (3) the part(ies) he or she represents; and (4) the names of all parties and/or attorney/participants who have received a copy of the proposed order.
4. If you submit a proposed order on diskette, the diskette will be formatted and placed in a box in the lobby of the Bankruptcy Court. You may retrieve it on a subsequent visit to the Courthouse.

C. Other Provisions

1. An **agreed** order shall be submitted by e-mail or diskette as set forth in paragraph IV, but shall, in addition, conform to the conventions for stipulations set forth in subparagraph II(D)(2) above.
2. The following sentence must be included in all proposed orders (with the exception of final/appealable orders in adversary cases):

Counsel for the moving party shall serve a copy of this order by mail to all interested parties who were not served electronically.

Note: In adversary cases, the Clerk's office serves final/appealable orders.

3. **DO NOT FILE A MOTION/PLEADING THAT CONTAINS A PROPOSED ORDER WITHIN THE BODY OF THE MOTION/PLEADING OR AS AN ATTACHMENT TO A MOTION/PLEADING.**

## **V. PUBLIC ACCESS TO THE SYSTEM DOCKET**

### **A. Internet Access**

Internet access to the System is not available without a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856.

Access to the System allows attorneys/participants to view, download and print, but not alter, docket sheets and documents filed in the System.

### **B. Public Access at the Court**

The public will have electronic access at the Clerk's Office during regular business hours for viewing docket sheets and documents filed in the System.

### **C. Conventional Copies and Certified Copies**

Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours. The fee for copying and certification will be in accordance with the provisions of 28 U.S.C. § 1930.

## **APPENDIX**

United States Bankruptcy Court  
Southern District of Illinois

Case Management/Electronic Case Files  
Attorney/Participant Registration Form  
**Live System**

This form will be used to establish an account with the Court's Case Management/Electronic Case Files (CM/ECF) system. Only registered participants will be able to electronically view, file and retrieve documents in the Court's electronic files.

First/Middle/Last Name: \_\_\_\_\_

Last four digits of Social Security Number: \_\_\_\_\_

Attorney Bar #: \_\_\_\_\_ State: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Firm Address 1: \_\_\_\_\_

Firm Address 2: \_\_\_\_\_

Voice Phone Number: \_\_\_\_\_

FAX Phone Number: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

By submitting this registration form, the undersigned agrees to abide by the following requirements and rules:

1. This system is for use only in cases electronically maintained by the U.S. Bankruptcy Court for the Southern District of Illinois. It may be used to file, view and retrieve documents, docket sheets, and notices.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer (486 Minimum) running a standard platform such as Windows 95, Windows 98, or Macintosh, and Internet provider using Point to Point Protocol (PPP), Netscape version 4.7 or higher, and Adobe Acrobat Writer version 3.0 or higher software

to convert documents from a word processor format to portable document format (PDF).

3. Pursuant to Federal Rules of Civil Procedure 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court.
4. I hereby authorize the court to make charge upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my responsibility to provide the court with any changes to my credit card information, and failure to do so may result in temporary loss of my login to the System.
5. Registration shall constitute a request and an agreement to receive service of pleadings and other papers electronically pursuant to FRBP 9036 and 9022, where service of pleadings and other papers is otherwise permitted by first class mail, postage prepaid.
6. The undersigned attorney/participant agrees to abide by the most recent General Orders, Administrative Procedures for Electronic Case Filing, and all technical and procedural requirements set forth therein.

Please return to: U.S. Bankruptcy Court  
750 Missouri Avenue  
East St. Louis, Illinois 62201  
Attn: Mary Kelemetc, System Manager

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Initial of First and Last Name/Last 4 digits of SS#

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary



My Commission expires \_\_\_\_\_

United States Bankruptcy Court  
Southern District of Illinois  
**Credit Card Authorization Form**

\_\_\_\_\_  
(Attorney Name/Firm)

hereby authorizes the United States Bankruptcy Court for the Southern District of Illinois to charge the following credit card number(s) for payment of identified Court-related expenses.

PLEASE TYPE OR PRINT

Visa Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Mastercard Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

American Express \_\_\_\_\_ Exp. Date \_\_\_\_\_

Discover \_\_\_\_\_ Exp. Date \_\_\_\_\_

Diners Club \_\_\_\_\_ Exp. Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

Authorized Signatures

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Typed)

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Typed)

Date: \_\_\_\_\_

This form, which will be kept on file in the Clerk's Office, shall remain in effect until specifically revoked in writing. It is the responsibility of the attorney/firm named herein to notify the Clerk's Office, Finance Section of the new expiration date when a credit card has been renewed, or if the card has been canceled or revoked.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:

In Proceedings  
Under Chapter

BK No.

ADV No.

Debtor(s).

SUMMARY OF EXHIBITS

The following exhibit(s) pertain to the \_\_\_\_\_  
(name of document)  
filed by \_\_\_\_\_ on \_\_\_\_\_:  
(name of party) (date)

1. (e.g., title on 1998 Chevrolet Camaro showing lien perfection  
of A.B.C. Lender)
- 2.
- 3.
- 4.

\_\_\_\_\_  
Name  
Address  
Telephone number  
Attorney ID number

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy  
of all exhibits listed above were deposited in the United States  
mail, first class, postage prepaid, on \_\_\_\_\_  
addressed to the following: (date)

(names and addresses of person(s) served)

\_\_\_\_\_  
(signature)